IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 372 of 2004 (M/B)

Umed Singh Rawat,
S/o Alam Singh Rawat,
R/o 9C/D-2, Boarari, New Tehri,
District Tehri Garhwal. …… Petitioner

Versus

1. State of Uttaranchal,
through Collector, Tehri Garhwal.
2. Director, Rehabilitaiton,
Tehri Dam Project, New Tehri,
District Tehri Garhwal.
3. Naib Tehsildar, New Tehri,
District Tehri Garhwal. ……. Respondents

Mr. N.S. Negi, Advocate for the petitioner.
Mr. Subhash Upadhyaya, Standing Counsel for the respondents.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. N.S. Negi, Advocate for the petitioner.

Mr. Subhash Upadhyaya, Standing Counsel for the respondents.

They are heard.

2. The petitioner has filed this writ petition for the following reliefs:

> "a. Issue a writ, order or direction in the nature of Mandamus direction the respondents not to evict the petitioner from the flat No. 9C/D-2, till his house is not completed over the plot allotted to him.
>
> b. Issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.
>
> c. Award the cost of the petition in favour of the petitioner".

3. The petitioner is aggrieved of the notice dated 29.04.2003, whereby the petitioner was directed to vacate Flat No. 9C/D-2

immediately after the expiry of the period of six months from the allotment of the plot.

4. Following interim order was passed in the writ petition on 05.05.2004.

> "Heard Mr. N.S. Negi, learned counsel for the petitioner and learned Chief Standing Counsel.
>
> Notices have been accepted by learned Chief Standing Counsel on behalf of the respondents, who prays for and is allowed three week's time to seek instructions. List after three weeks.
>
> Till the next date of listing, it is provided that the petitioner shall not be evicted from the flat No. 9C/D-2 and the petitioner shall deposit the entire amount of the value of the plot allotted to him if already not deposited".

5. Thus, it is apparent that the petitioner has already availed a period of more than three years after the receipt of the notice dated 29.04.2003 by virtue of the interim order dated 05.05.2004.

6. In our opinion, period of three years was more than sufficient for the construction of the house on the plot allotted to the petitioner and such, no further indulgence in the matter is required.

7. The writ petition, therefore, fails and is, hereby, dismissed.

8. Consequently, the interim order dated 05.05.2004 stands vacated automatically.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C.J.)**
15.05.2006 **15.05.2006**

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